

REMARKS

Claims 1-11 are pending in the application.

Drawings

(a) The drawings have been objected to under 37 C.F.R. § 1.83(a) because the "radiator" recited in claims 7 and 8, and the "engine" recited in claim 8 are not shown in the drawings.

Figs. 1 and 2 have been amended to overcome this objection. The Examiner is respectfully requested to reconsider and withdraw this objection.

(b) The drawings have been objected to as failing to comply with 37 C.F.R. § 1.84(p)(4) because reference character "88" has been used to designate both the "pass-bolt hole" and the "vertical side portion."

The specification has been amended to overcome this objection. The Examiner is respectfully requested to reconsider and withdraw this objection.

An Embodiment of the Present Invention

An embodiment of the present invention is directed to a side member and bumper beam attaching structure that includes: as shown in Fig. 1, a side member 10 which extends in a longitudinal direction of the vehicle body and which has a closed cross-sectional end portion at a longitudinal end thereof; a bracket 40 which is attached to the side member 10 from a front or rear of the

vehicle body and which is fitted only into an inside of the closed cross-sectioned end portion and fixed to the side member, the bracket 40 having a bumper abutment portion 41 having an area substantially identical to an area of the closed cross-sectional end; and a bumper beam 60 attached to the bumper abutment portion 41 of the bracket 40 from the front of the vehicle body.

Claim Rejections - 35 U.S.C. § 102

Claims 1 and 6 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Yamashita et al. (USP 5,114,198). This rejection is respectfully traversed.

Yamashita discloses a bumper attaching structure that includes: as shown in Fig. 1, a front fitting portion 2a extending in a longitudinal direction of a car body 2 and having a closed cross-sectional end portion at a longitudinal end thereof; a bracket 5 attached to the front fitting portion 2a from a front of the vehicle body; and an absorber 4 attached to the bracket 40 from the front of the vehicle body.

As stated in col. 3, lines 28-33, the bracket 5 has a flange 9 formed so as to stretch by 50 to 200 mm right and left directions out of the front fitting portion 2a of the car body 2.

Therefore, in Yamashita, the bracket 5 does not have "a bumper abutment portion having an area substantially identical to an area

of the closed cross-sectional end." Accordingly, Yamashita does not disclose or even suggest the "bracket" as recited in claim 1.

Claim 6 has been amended to depend from claim 2, which includes allowable subject matter and has been amended to include all of the limitations of the base claim 1. Therefore, claim 6 is allowable at least for its dependency on claim 2.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

Allowable Subject Matter

Applicants appreciate the Examiner's indication that claims 2-5 and 7-11 would be allowable if rewritten in independent claim form including all of the limitation of the base claim and any intervening claims.

Claims 2, 3, and 9-11 have been amended to independent claim form including all of the limitations of base claim 1 to place these claims in condition for allowance.

Claims 7 and 8, dependent on claim 2, are allowable at least for their dependency on claim 2.

Claims 4 and 5, dependent on claim 3, are allowable at least for their dependency on claim 3.

A favorable determination and allowance of these claims is earnestly solicited.

Conclusion

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and objections, and allowance of the pending claims are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Maki Hatsumi (Reg. No. 40,417) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  (reg. #40,417)
for Charles Gorenstein, #29,271

CG:MH/mh:pjh
0649-0935P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachments: Two (2) Replacement Drawing Sheets - Figs. 1 and 2